

Student Code of Conduct



2016 – 2017

School Year 2016-2017
Grade _____

NOTICE OF RECEIPT

_____, a student enrolled in _____
(Please Print) Name of Student Name of School

school and parent/guardian, _____ hereby acknowledge
Name of parent/guardian

by our signatures that we have received and read, or had read to us, the Johnson City Schools Code of Student Conduct. We understand that these rules apply to all students enrolled in the public schools of Johnson City, Tennessee and their parents/guardians; to school campuses, school buses or other school-owned/operated transportation; and to school-related activities and events.

(Printed Name) _____
Student* Date

(Signature) _____
Student* Date

(Printed Name) _____
Parent/Guardian Date

(Signature) _____
Parent/Guardian Date

(Printed Name) _____
Parent/Guardian Date

(Signature) _____
Parent/Guardian Date

NOTE: The student and parent(s)/guardian(s) are to sign the above statement. *Any student below Grade 3 is not required to sign. If a student lives with both parents/guardians, both are required to sign statement. If a student lives with only one parent/guardian, one is required to sign.

Please detach this page from the booklet; sign in all appropriate places; and return to the homeroom teacher. Keep the booklet for future reference. For your convenience, school phone numbers are found in the front of this booklet.



JOHNSON CITY SCHOOLS

P.O. Box 1517, Johnson City, TN 37605 www.jcschools.org (423) 434-5200 Fax: (423) 434-5237
Dr. Richard Bales, Superintendent of Schools

Our Student Code of Conduct is designed to aid in the protection of our children and to maintain good order in our schools. We realize the importance of students understanding rules in order to maintain the optimum educational environment. We closely follow the rules and procedures outlined in this document, and we expect all students to do likewise.

The education of your child is a cooperative endeavor. Reviewing this document with your child is one very important way in which you can assist both your child and the Johnson City School System. This document is not meant to replace the interaction and communication between student, parent/guardian, and school. We encourage that any concern be brought to the attention of our staff so that decisions that are in the best interest of our children can be made.

Detach and complete the Notice of Receipt found in the front of this Code of Conduct and return the completed Notice to your child's homeroom teacher.

Thank you for your cooperation and support of our schools. We hope you and your child will have a positive and successful year. If you have concerns or questions, please call us and we will be happy to discuss them with you.

BOARD OF EDUCATION

Timothy S. Belisle, Chair • John F. Hunter, II, Vice Chair • Sheila B. Cox, Secretary

Thomas B. Hager, Jr. • Kathy B. Hall • Dr. Richard A. Manahan • Lottie F. Ryans

The mission of the Johnson City Schools is to enable all students to achieve excellence in learning, to accept social responsibility, and to develop self-worth.

SCHOOLS AND OFFICES

Dr. Richard Bales, Superintendent

Columbus Powell Service Center
100 E. Maple
P.O. Box 1517
Johnson City, TN 37605
(423) 434-5200

Science Hill High School

Ms. Melanie Riden-Bacon, Principal
Mr. Tony Spears, Assoc. Principal, 9th Grade
1509 John Exum Parkway
Johnson City, TN 37604
(423) 232-2190

Liberty Bell Middle School

Ms. Tammy L. Pearce, Principal
718 Morningside Dr.
Johnson City, TN 37604
(423) 232-2192

Indian Trail Intermediate School

Mr. James Jacobs, Principal
307 Car-Mol Drive
Johnson City, TN 37601
(423) 610-6000

Cherokee Elementary

Ms. Mary Nell McIntyre, Principal
2100 Cherokee Road
Johnson City, TN 37604
(423) 434-5281

Fairmont Elementary

Ms. Carol McGill, Principal
1405 Lester Harris Road
Johnson City, TN 37601
(423) 434-5267

Lake Ridge Elementary

Mr. John Phillips, Principal
700 Carroll Creek Road
Johnson City, TN 37601
(423) 610-6030

Mountain View Elementary

Dr. Melissa Stukes, Principal
907 King Springs Road
Johnson City, TN 37601
(423) 434-5260

North Side Elementary

Dr. Sharon Pickering, Principal
1000 North Roan St.
Johnson City, TN 37601
(423) 434-5259

South Side Elementary

Dr. Anne Littleford, Principal
1011 Southwest Avenue
Johnson City, TN 37604
(423) 434-5289

Towne Acres Elementary

Dr. Steven N. Barnett, Principal
2310 Larkspur Drive
Johnson City, TN 37604
(423) 854-4800

Woodland Elementary

Dr. Karen Reach, Principal
1203 Indian Ridge Road
Johnson City, TN 37601
(423) 434-5275

SCHOOL HOURS:

Science Hill High School (all campuses).....7:40 a.m. thru 2:40 p.m.
Liberty Bell Middle School7:40 a.m. thru 2:40 p.m.
Indian Trail Middle School.....7:50 a.m. thru 2:50 p.m.
Elementary Schools (all campuses).....8:15 a.m. thru 3:15 p.m.

Central Office Staff

Dr. Richard Bales, Superintendent of Schools

Ms. Evelyn Dugger, Administrative Assistant
(423) 434-5205 FAX (423) 218-4968

Dr. Robbie Anderson, Director of Accountability and School Improvement

Ms. Patti Fatherree, Administrative Secretary
(423) 434-5220 FAX (423) 218-0549

Mr. Joe Barnes, Maintenance Supervisor

Ms. LeDonna Hughes, Administrative Secretary
(423) 434-5254 FAX (423) 434-5256

Dr. Debra Bentley, Supervisor of Instruction and Communications

Ms. Meranda Burd, Administrative Secretary
(423) 434-5233 FAX (423) 218-4965

Mr. David Chupa, Supervisor of Instruction and Attendance

(423) 434-5200 FAX (423) 218-4968

Ms. Pam Cox, Director of Finance

(423)434-5206 FAX (423) 218-0544

Ms. Cindy Lawson, Attendance /Testing Supervisor

Ms. Miranda Burd, Administrative Secretary
(423) 434-5233 FAX (423) 218-4965

Ms. Karen McGahey, Supervisor of Food Services

Ms. Linda Arnold, Administrative Manager
(423) 434-5228 FAX (423) 218-4966

Ms. Lee Patterson, Director of Human Resources

Ms. Sharron Livingston, Administrative Assistant
(423) 434-5207 FAX (423) 218-0545

School Nurses Office

Penny Cole, RN, BSN

Linda Eades, RN, BSN

Ms. Brenda Grunder, Secretary
(423) 232-5380 FAX (423) 218-0544

Dr. Janie Snyder, Director of Secondary and Student Services

Ms. Danise Slayton, Administrative Secretary
(423) 434-5219 FAX (423) 218-0550

Ms. Melony Surrett, Technology Coordinator

Ms. Danise Slayton, Administrative Secretary
(423) 434-5219 FAX (423) 218-0550

Dr. David Timbs, Supervisor of Instructional Technology

Ms. Danise Slayton, Administrative Secretary
(423) 434-5219 FAX (423) 218-0550

Dr. Roger Walk, Supervisor of Instruction

(423) 434-5223 FAX (423) 218-4965

Dr. Greg Wallace, Supervisor of Safety and Mental Health

(423) 791-3596 FAX (423) 434-5295

Ms. Bonnie White, Coordinator of Homeless Education Program

(423) 434-5226 FAX (423) 218-0550

Dr. Ginger Woods, Supervisor of Special Education

Ms. Pam Baldwin, Administrative Secretary
(423) 434-5235 FAX (423) 218-4967

Office Hours

The Central Office of the Johnson City School System is open on regular workdays (Monday through Friday) between the hours of 8:00 a.m. and 5:00 p.m.

Board of Education Meetings

The regular meeting of the Johnson City Board of Education is held on the first Monday of each month at 6:00 p.m. at the Central Office. All meetings of the Board are open to the public.

TABLE OF CONTENTS

Statement of Rights and Responsibilities	1
Preamble	1
Code of Student Conduct	
I. Rights	2
Freedom of Speech and Assembly	2
Freedom to Publish	2
Freedom from Unreasonable Search and Seizure	3
II. Rules	3
Rule 1 – Disruption of School	4
Rule 2 – Damage or Destruction or Theft of School Property	5
Rule 3 – Damage or Destruction or Theft of Private Property	5
Rule 4 – Assault or Abuse of School Employee or Another Student	5
Rule 5 – CD Players, Electronic Pagers, Radios, MP3 Players, Tape Players, Tape Recorders, Laser Pointers, Film Cameras, Digital Cameras, Video Recorders, Digital Video Recorders	5
Rule 6 – Use of Cellular Phones	6
Rule 7 – Weapons and Dangerous Instruments	6
Rule 8 – Alcoholic Beverages, Narcotics and Drugs	7
Rule 9 – Arson	8
Rule 10 – Burglary, Larceny, and Robbery	8
Rule 11 – Trespassing	8
Rule 12 – Use of Tobacco/Electronic Cigarettes.....	8
Rule 13 – Repeated School Violations	8
Rule 14 – Dress and Appearance	8
Rule 15 – Attendance	9
Rule 16 – Tardiness	9
Rule 17 – Student Placement	9
Rule 18 – Refusal to Identify Self	10
Rule 19 – Technology; Internet	10
Rule 20 – Discrimination/Harassment	11
Rule 21 – Bullying/Intimidation	11
Rule 22 – Cyber-Bullying	11
Rule 23 – Criminal Behavior	12
III. Due Process Guidelines for Dealing with Alleged Code Violations	12
IV. Right to Appeal	16
V. Procedure for Appeal to Superintendent and Board of Education	20
VI. Mandatory One-Year Expulsion (Zero Tolerance).....	21

STATEMENT OF RIGHTS AND RESPONSIBILITIES

The Johnson City School System recognizes the following:

The primary intent of society in establishing the public schools is to provide an opportunity for learning. We believe that students have full rights of citizenship as delineated in the United States Constitution and its Amendments, that citizenship rights must not be abridged, obstructed, or in other ways altered except in accordance with due process of law, and that education is one of these citizenship rights.

The Johnson City School System prohibits discrimination on the basis of race, color, national origin, gender, religion, sex, age, and disability. The Johnson City School System does not condone or practice discrimination in admission, employment or in access to its programs or activities. If you feel that you have been discriminated against, you should contact your principal, or Dr. Robbie Anderson, Title VI, Title IX and 504 Coordinator for the Johnson City School System at P.O. Box 1517, Johnson City, TN 37605 at andersonr@jcschools.org or at 423-434-5200.

Under the Tennessee State Board of Education's Unsafe School Choice Policy, any public school student who is the victim of a violent crime as defined under Tennessee Code Annotated 40-38-111(g), or the attempt to commit one of these offenses as defined under Tennessee Code Annotated 39-12-10, shall be provided an opportunity to transfer to another grade-level appropriate school within the district.

PREAMBLE

The school is a community, and the rules and regulations of a school are the laws of that community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship. A basic responsibility of those who enjoy the rights of citizenship is to respect the laws of the community.

Students are encouraged to initiate, or react to, proposals for change in educational practices, rules or policies. Student input will be considered by the faculty, the administration and/or the Board of Education as appropriate.

CODE OF CONDUCT

It is the intention of the Johnson City School System to create a safe and respectful learning environment in which every student is able to reach his full potential and have the same opportunities regardless of race, color, creed, religion, ethnic origin, sex or disability. All students are expected to treat themselves and others with courtesy and respect. Behavior which is disrespectful will not be tolerated.

The following code sets forth school rules prohibiting certain types of student behavior that constitute serious student misconduct. The initial decision that certain student conduct violates this code is to be made by the school principal, who has the authority to discipline the student. A student found to be in violation of any of these rules may receive consequences as severe as a long-term suspension (over ten (10) school days and up to one (1) year) or expulsion. Other misconduct can be dealt with by the principal under disciplinary authority given by statute or Board of Education policies.

A principal's decision to suspend a student for more than ten (10) days may be appealed, in writing, to a Disciplinary Hearing Authority. An alternative school program may be available for students in grades 7-12 who have been suspended or expelled. Approved school based management alternatives may also be available at the local school. Additional information regarding suspension and expulsion is can be found in section **III. DUE PROCESS GUIDELINES FOR DEALING WITH ALLEGED CODE VIOLATIONS.**

I. RIGHTS

Freedom of Speech and Assembly

- A. Students are entitled to verbally express their personal opinions. Such verbal expressions shall not interfere with the freedom of others to express themselves and shall not disrupt school, the classroom or school activities. The use of obscenities or personal attacks is prohibited.
- B. All student meetings in school buildings or on school grounds may function only as a part of the formal education process or as authorized by the principal.
- C. Students have the freedom to assemble peacefully, however there is an appropriate time and place for the expression of opinions and beliefs. Demonstrations that interfere with the operation of the school, the classroom, or school activities are inappropriate and are prohibited.

Freedom to Publish

- A. Students are entitled to express their personal opinions in writing. The distribution of such writings shall not interfere with or disrupt the educational process. Such written expressions must be signed by the authors.
- B. Students are entitled to express their personal opinions in the form of artwork and photography. The distribution of such artwork and photography shall not interfere

- with or disrupt the educational process. Any such student works must be signed by the creators.
- C. Students who edit, publish, or distribute handwritten, printed, electronic or duplicated matter among their fellow students within the schools must assume responsibility for the content of the publication.
 - D. Libel, obscenity, pornographic and lewd images and personal attacks are prohibited in all publications.
 - E. Commercial solicitation will not be allowed on school property or through school system equipment at any time without prior written approval of the principal.
 - F. The principal must approve the distribution of non-educational material by students in school buildings, on school grounds, at school activities or over school system computers or by means of the school system network.

Freedom from Unreasonable Search and Seizure

Students and their property shall be free from unreasonable search and seizure.

- A. School personnel have the authority to search students, items in students' possession and student vehicles upon a reasonable belief that the search will lead to the discovery of either:
 - 1. Evidence of a violation of the law or of school rules and regulations; or
 - 2. Any object or substance that presents an immediate danger of harm or illness to any person.
- B. Searches should be for a specific item and should be conducted in the presence of another school employee.
- C. Items or substances which are illegal or present a threat to the safety or security of other persons or the school will be seized by school authorities. Students in possession of such items or substances will be subject to disciplinary action, which may include notification of legal authorities.
- D. Items or substances which are used to disrupt or interfere with the educational process will be removed from student possession.
- E. General searches by school personnel of school property, including school property assigned to specific students, such as student lockers, may be conducted at any time.
- F. Searches may be conducted on campus or during any organized school activity off campus.
- G. When a search of an individual student's person has been conducted, the principal shall attempt to notify the parent/guardian by phone at the time of the search, or as soon thereafter as reasonably possible. If the phone notification is not successful, the principal shall send a letter to the parent/guardian within twenty-four (24) hours. This notification will not apply to students attending the Science Hill High School Alternative Center.

II. RULES

ITEMS IDENTIFIED WITH AN ASTERISK (*) ARE AMONG THOSE DEFINED AS CRIMINAL UNDER THE LAWS OF THE UNITED STATES, THE STATE OF TENNESSEE AND/OR THE CITY OF JOHNSON CITY. A STUDENT FOUND TO BE IN VIOLATION OF THESE RULES MAY RECEIVE PUNISHMENT

RANGING FROM VERBAL REPRIMAND TO SUSPENSION OR EXPULSION. DISCIPLINARY ACTION WILL BE TAKEN BY THE SCHOOL FOR VIOLATION OF THESE RULES, REGARDLESS OF WHETHER OR NOT CRIMINAL CHARGES RESULT.

***Rule 1 – Disruption of School**

A student shall not use violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or any other conduct to cause the disruption, interference, or obstruction of any school function or the educational process. A student shall not engage in conduct which could reasonably be foreseen to cause disruption, interference, or obstruction of any school function or the educational process. A student shall not urge others to engage in this type of conduct. While this list is not exclusive, the following acts when reasonably believed to be for the purpose of causing a disruption, interference, or obstruction of any school function, illustrate the kinds of offenses contemplated here:

- A. Occupying any school building, school grounds, or part thereof with the intent to deprive others of its use;
- B. Blocking the entrance or exit of any school building, corridor or room therein with the intent to deprive others of lawful use or access to or from the building, corridor or room;
- C. Setting fire to or damaging any school building or property;
- D. Firing, displaying, carrying, possessing or threatening use of firearms, explosives, knives, blades or any other weapons (as defined in T.C.A. §39-17-1309) or other destructive device on the school premises, on a school bus or at school sponsored events or activities for any unlawful purpose. Explosives, illustrations, or instructions for making or using explosives or other weapons or destructive devices are not permitted on school property or at school sponsored events or activities;
- E. Preventing or attempting to prevent by any act (including transmitting a bomb threat in writing, by phone or other electronic device, initiating a false fire alarm, or being accessory to such acts) the convening or continued functioning of any school, class, or school sponsored events or activities or of any authorized meeting or assembly on school property;
- F. Preventing students from attending school, class or school sponsored events or activities;
- G. Except under direct instruction of the principal/designee, blocking normal pedestrian or vehicular traffic on a school campus;
- H. Intentionally making noise (including disruptive verbal communication) or acting in any manner so as to intentionally and substantively interfere with the teacher's ability to teach or with other classroom or school events or activities;
- I. Exhibiting immoral or disreputable conduct or vulgar, inflammatory or profane language;
- J. Displaying obscene, lewd or pornographic images to others while on school property or at a school sponsored event or activity;
- K. Willfully and/or persistently violating the rules of the school or the school system;
- L. Refusing to obey an order of a principal, teacher or other authorized school employee;

M. Interfering with school authorities, which is defined as interfering with administrators, teachers or other authorized school employees by intimidation or with threat of force or violence. The commission of or participation in such activities in school buildings, on school buses, on school property, or at school sponsored events or activities is prohibited.

***Rule 2 – Damage, Destruction or Theft of School Property**

A student shall not cause, or attempt to cause, damage to school property or steal, or attempt to steal school property.

***Rule 3 – Damage, Destruction or Theft of Private Property**

A student shall not abuse, damage, destroy, steal, or attempt to steal private property while on the school grounds or while attending school sponsored events or activities.

***Rule 4 – Assault or Abuse of School Employee or Another Student**

Assault is intentionally, knowingly or recklessly causing bodily injury to another person; intentionally or knowingly causing another person to reasonably fear imminent bodily injury; or intentionally or knowingly causing physical contact with another person when a reasonable person would regard such contact as extremely offensive or provocative.

A student shall not assault or attempt to assault any person, including school employees or other students, at any time while on school grounds or while attending school sponsored events or activities.

A student shall not, through the threat or use of force, attempt to take any property which belongs to a school employee or another student. Such acts constitute extortion, blackmail and/or coercion.

A student shall not sexually assault any person at any time while on school grounds or while attending school sponsored events or activities.

***Rule 5 – CD Players, Electronic Pagers, Radios, MP3 Players, Tape Players, Tape Recorders, Laser Pointers, Film Cameras, Digital Cameras, Video Recorders, Digital Video Recorders**

Student use of recreational or electronic devices such as radios and CD/tape/MP3 players, voice activated tape recorders or laser pointers on school property is permitted during school hours for educational purposes only and only under the direct supervision of the classroom teacher. Students will be expected and required to abide with all policies and procedures in place for use of these type of devices. While on school grounds or while attending any school related event or activity, students are prohibited from taking and/or displaying unauthorized photographs, video recordings and/or any type of digital image of other students and of school personnel. Students are prohibited from using any type of recording device in any manner that interferes with or is disruptive of the educational process or invades the privacy of students, employees, volunteers or visitors. If they violate this prohibition, then they are subject to

discipline under this provision and/or any other provision in this Student Code of Conduct that may be applicable to the circumstances involved. Electronic or other devices used in violation of this rule may be subject to confiscation at any time.

Electronic pagers are not allowed on school property at any time without the permission of the school principal. (TCA §49-6-4214)

Rule 6 – Use of Cellular Phones

Elementary Schools, Indian Trail Intermediate School and Liberty Bell Middle School:

Students at any elementary school, Indian Trail Intermediate School and Liberty Bell Middle School are not permitted to use cellular phones on school property during school hours. The use of cellular phones is permitted by students at these schools at extracurricular school activities on or off school property. The use of cellular phones is strictly prohibited in any restroom or locker room, clinic or nurse’s office, whether on school grounds or while attending any school related event or activity. Using cellular phones to record altercations on school grounds or at school related events or activities is prohibited. Sending, sharing, viewing or possessing pictures, text messages, e-mails or other material of a sexual nature in electronic or any other form on a cell phone while on school property or at school related events or activities is prohibited. Cellular phones used in violation of this rule will be subject to confiscation at any time. Disciplinary action will be taken against students who violate this rule.

Science Hill High School:

Students at Science Hill High School are allowed to use their cell phones at school during non-instructional times. Use of cell phones, including text messaging, is prohibited during classes and at other times as announced. However, students are allowed to use their cell phones during instructional time as designated by teachers. Students who have phones in class are responsible for having their phones turned off or otherwise silenced so that incoming calls will not interfere with instruction. The use of cellular phones is strictly prohibited in any restroom, locker room, clinic or nurse’s office, whether on school grounds or while attending any school related event or activity. Sending, sharing, viewing or possessing pictures, text messages, e-mails or other material of a sexual nature in electronic or any other form on a cell phone or other electronic device while on school property or at school related events or activities is prohibited.

The use of cell phones for the purpose of cheating is strictly prohibited. As a means of protecting instructional time and/or providing test security, teachers may elect to collect students’ cell phones during any class and return them at the end of the period. Cellular phones used in violation of this rule will be subject to confiscation at any time.

***Rule 7 – Weapons and Dangerous Instruments**

A student shall not possess, handle, transmit, use, or attempt to use ammunition, firearms, explosives, fireworks, knives, or any other object that can be considered a weapon while on school grounds or while attending school sponsored events or activities. This rule applies to

normal school supplies such as pencils, scissors, razors, or compasses when they are possessed, handled, transmitted, used or attempted to be used in a manner which renders the object(s) dangerous.

***Rule 8 – Alcoholic Beverages, Narcotics and Drugs**

A student shall not possess, use, transmit, consume, or show evidence of having consumed, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, inhalant, alcoholic beverage or intoxicant of any kind, including any analogues, while on school grounds or while attending school sponsored events or activities. (An analogue is defined as a substance which mimics the stimulant, depressant or hallucinogenic effect on the central nervous system that is similar to the stimulant, depressant or hallucinogenic effect of a controlled substance. An analogue includes “bath salts”, “Spice”, K-2 and any other “designer drug” and is included in the definition of drugs, below.)

A student shall not possess, use, or be under the influence of any controlled or regulated drug, while on school grounds, or while attending school sponsored events or activities, unless the student has a prescription written for the student by a person authorized by the State of Tennessee to write medical prescriptions.

Any student showing evidence of having consumed inhalants, alcohol or drugs will be immediately removed from contact with other students by school personnel, who shall attempt to immediately contact the student’s parent or legal guardian. Students who are suspected of being under the influence of alcohol or drugs may be subject to drug testing pursuant to TCA § 49-6-4213. A student’s use of a recommended dosage of a drug which has been authorized by a medical prescription written for the student by a person authorized by the State of Tennessee to write medical prescriptions and with the written permission of the parent shall not be considered a violation of this rule. Such medication, if administered at school or at a school event or activity, must be under strict supervision and in accordance with Board of Education policy and procedures.

A student shall not possess drug paraphernalia while on school grounds, or while attending school sponsored events or activities. ***Electronic pagers may be considered to be drug paraphernalia in accordance with Tennessee law and under the terms of this rule. (TCA §49-6-4202)***

A student shall not possess for resale or distribution any type of drug, including prescription or over-the-counter drugs, on school grounds or while attending school sponsored events or activities.

If a student must take prescription or non-prescription medication during school hours, the student or parent must deliver the medication to the principal's office, unless the medication must be retained by the student for immediate self-administration (i.e. students with asthma.) Employees who have been trained by school nursing staff will assist the student in the self-administration of such medication in compliance with applicable policies. If a student needs to retain medication for immediate self-administration the student must have a written physician’s note to that effect and must have the prior approval of the principal.

Johnson City Schools considers participation in interscholastic athletics as a privilege and not a right. Students that voluntarily participate in these activities are expected to accept the responsibilities which accompany the privilege. Among these is the responsibility to remain drug and alcohol free. Randomly throughout the school year, students in grades eight through twelve who desire to participate in interscholastic athletics, including cheerleading, may be subject to urine testing for illegal or banned substances. Information regarding random drug testing can be obtained from the administration.

***Rule 9 – Arson**

A student shall not commit or attempt to commit arson while on school grounds or while attending school sponsored events or activities. Arson is defined as the intentional setting of fire.

***Rule 10 – Burglary, Larceny, and Robbery**

A student shall not commit burglary, larceny, or robbery while on school grounds, or while attending school sponsored events or activities. Burglary is defined as breaking into school and/or personal property in or at the school. Larceny is defined as theft. Robbery is defined as stealing from an individual by force or threat of force.

***Rule 11 – Trespassing**

A student shall not be present in an unauthorized place during any period of time when he is properly under the authority of school personnel or refuse to leave an unauthorized place when ordered to do so.

***Rule 12 – Use of Tobacco/Electronic Cigarettes/Vaporizing Pens**

A student shall not possess and/or use tobacco or tobacco related products while on school grounds or while attending school sponsored events or activities. A student shall not possess and/or use electronic cigarettes/vaporizing pens or nicotine, nicotine-delivering substances, chemicals or devices that produce the same flavor or physical effect of nicotine substances, and any other “tobacco innovation” while on school grounds or while attending school sponsored events or activities.

Rule 13 – Repeated School Violations

A student shall comply with the directions of teachers, student teachers, substitute teachers, teacher assistants, principals, or other authorized personnel during any period of time when he is properly under the authority of school personnel. A student shall not willfully and/or persistently violate the rules of the school.

Rule 14 – Dress and Appearance

Students shall be well groomed and dress in a clean, neat and modest manner so as not to present health and safety problems or cause disruption of school or school functions. Students are required to adhere to the dress code of their respective school while on school grounds, or while attending school-sponsored events or activities.

***Rule 15 – Attendance**

Prompt daily attendance of all who are enrolled in the Johnson City Schools is required in accordance with state law and Board of Education policy. Students must attend regularly scheduled classes unless officially excused. Students participating in school sponsored trips are counted present.

Effect of Attendance upon Credit and Promotion

Students having excessive absences may fail to receive academic credit based upon the following:

- 1. Students in Grades K- 8.** A student’s excessive absence may limit progress to the point that promotion is not feasible. Upon recommendation of the principal, students in grades K-8 who are absent more than 20 days will not receive credit towards promotion.
- 2. Students in Grades 9-12.** Students are expected to be in school every day.

NOTE: ALL ABSENCES, EXCUSED OR UNEXCUSED, ARE COUNTED IN THE MAXIMUM NUMBER THAT MAY BE MISSED DURING A SESSION OR SCHOOL YEAR.

Acceptable Reasons for an Excused Absence

1. Child’s personal illness – a parent’s statement is required unless the child has frequent absences, in which case a physician’s statement will be required.
2. Death in the family.
3. Illness in the family requiring the child to give temporary help. A physician’s statement is required.
4. Special and recognized religious holidays regularly observed by persons of the student’s particular faith.
5. Principal/designee approved absences-up to three (3) days per school year as requested by the parent/legal guardian. No student will be allowed to use these absences during standardized testing dates or during final exams. Work missed during the absence must be made up before the absence or upon the return to school.
6. One day absence when a student’s parent or custodian is deployed into active military service or returned from active military service.
7. Circumstances over which, in the judgment of the principal, the student has no control.

Rule 16 – Tardiness

Students are expected to arrive at school on time and to stay at school the entire day. Upon a third unexcused tardy and/or early dismissal a student will be subject to discipline. Principals may implement “time for time” procedures to deal with tardiness.

Rule 17 – Student Placement

The principal has the authority to change a student’s placement or class assignment in an effort to address concerns about discipline and/or disruption of the learning process of the classroom or school.

Rule 18 – Refusal to Identify Self

All persons must upon request identify themselves to school personnel in the school building, on school grounds, or while attending school sponsored events or activities.

Rule 19 – Technology; Internet

Technology and Internet access and use are considered a privilege, not a right. All technological resources must be used in accordance with the system's Acceptable Usage Agreement (a copy of which is included with this Code of Conduct) as well as school system policies and procedures and local, state, and federal laws and/or guidelines governing the usage of technology and its component parts. Students must use the provided technological resources so as not to cause waste or abuse, or to interfere with or cause harm to other individuals, institutions, or companies.

All computer hardware and software belong to the school system. All computer data, including search histories and e-mail communications stored or transmitted on school system computers or by means of the school system network are subject to monitoring. Students should have no expectation of privacy with regard to computer data or transmissions.

Network Rules

The following are not permitted on school system networks or computers (**this list is not inclusive**):

- Illegal activities;
- Taking, sending or displaying offensive, pornographic, lewd or obscene messages, language, or pictures;
- Harassing, insulting, threatening, bullying or attacking others;
- Violating copyright laws or engaging in plagiarism;
- Using others' passwords;
- Trespassing in others' folders;
- Intentionally misusing resources;
- Impersonation;
- Employing the network for commercial purposes; and
- Vandalizing, damaging or destroying computers, computer systems, computer networks, files, data or software.

The taking, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a CRIME under Tennessee and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies, which may result in arrest, criminal prosecution, and LIFETIME inclusion on sexual offender registries.

School officials will apply the same criterion of educational suitability to use of the Internet, computers and the network as they use to review other educational resources. Misuse of the Internet or other technological resources will result in disciplinary action.

***Rule 20 – Discrimination/Harassment**

Discrimination/harassment by students will not be tolerated. Discrimination is the display of unlawful bias, favoritism or prejudice toward others. Harassment is a single act or course of conduct directed toward an individual or group of people that serves no legitimate purpose other than to annoy, intimidate, frighten, alarm, torment or abuse that person or group.

Alleged victims of discrimination/harassment should report these incidents immediately to a teacher, counselor, or building administrator, or to one of the school system’s complaint managers. Allegations of discrimination/harassment will be fully investigated by the school system. If the discrimination/harassment continues, the alleged victim should report in writing the continuing harassment to the principal, noting the date of first report and to whom the complaint was made.

Disciplinary action will be taken against perpetrators of discrimination/harassment.

Rule 21 – Bullying/Intimidation

The Johnson City School System uses the Olewus Bullying Prevention Program in all of its schools. Olweus defines bullying as occurring when someone repeatedly and on purpose says or does mean or hurtful things to another person who has a hard time defending himself or herself.

Intimidation is intentional behavior that would cause an ordinary person to fear injury or harm.

A student will be subject to discipline for any act of bullying or intimidation that takes place on school grounds, while attending school-sponsored events or activities, on school transportation or at any official school bus stop immediately before boarding and immediately following de-boarding; or which is done at any time off-campus if the bullying causes or threatens to cause a disruption at school, at a school sponsored event or activity, or if it interferes with a student’s education or security.

Bullying and intimidation can manifest as either physical harm of another person or damage to his/her property, or knowingly placing the person in reasonable fear of such, or creating a hostile educational environment.

Rule 22 – Cyber-Bullying

A student will be subject to discipline for any act of cyber-bullying that takes place on school grounds, while attending school-sponsored events or activities, on school transportation; which is done through the use of the school system’s intranet or Internet system or on any school system equipment; or which is done at any time off-campus if the cyber bullying causes or

threatens to cause a disruption at school, at a school sponsored event or activity, or if it interferes with a student's education or security at school.

Cyber bullying encompasses any of the already prohibited actions – such as bullying, discrimination, or harassment – when done through electronic means. “Electronic means” include, but are not limited to, information and communication technologies such as e-mail, voice mail, cell phone and pager text messages, instant messaging (IM), personal Web sites, Weblogs, and online personal polling Web sites.

Examples of cyber bullying include posting slurs or rumors or other disparaging remarks about a student or staff member on any Web site or Weblog; sending e-mail, instant messages or photographs that are harassing, threatening or offensive; and taking and sending an unauthorized and unwanted photograph or video of a student or staff member.

***Rule 23 – Criminal Behavior**

A student may be suspended from school, from a school sponsored event or activity, or from riding a school bus when the student commits off campus criminal behavior which results in the student being legally charged with a felony and the student's continued presence in school poses a danger to persons or property or disrupts the educational process.

III. DUE PROCESS GUIDELINES FOR DEALING WITH ALLEGED CODE VIOLATIONS

Students' Due Process Rights

All students have the right to receive a free and appropriate education. Deprivation of that right may occur only for just cause and after due process. Due Process requirements necessitate that students be given an opportunity to be heard before they may be excluded from school. For minor offenses where the classroom teacher takes corrective disciplinary measures, no formal process or procedure is required. In cases of severe misconduct where there is a possibility of suspension or expulsion, the student shall be advised of the nature of his misconduct, questioned about it, and allowed to give an explanation.

The procedures required to establish due process are not fixed. What is required for due process can depend upon the severity of the penalty imposed on the student. For example, if the only penalty given is detention after class, no formal procedure is required. In cases of severe discipline, such as a suspension of over ten (10) days, due process must be accorded. The following procedures provide for Constitutional requirements of due process and attempt to produce a reliable determination of the issues while minimizing the adversarial nature of the proceedings.

The Principal Will Address Misconduct When:

- A. A teacher considers misconduct to be so serious as to warrant the principal's attention;
- B. The alleged misconduct constitutes a violation of the rules that govern serious misconduct; or

C. The principal deems it advisable that he personally addresses the misconduct.

In addressing misconduct, the principal or his designee shall investigate the incident. During the investigation the principal shall inform the student of the misconduct of which he is accused and of any evidence in support of the accusation. The student shall have the opportunity to deny the accusations and to give an explanation of his behavior. If the student requests that other persons be questioned, the principal shall talk to them, when possible. If the student makes a reasonable defense based on information which cannot be immediately investigated, the principal should postpone any disciplinary action for a reasonable time until such information can be investigated. If the principal or his designee deems it necessary, the police or other legal authorities may be included in the investigation. The principal shall give the student an explanation of the results of the investigation and shall inform the student as soon as possible of any disciplinary action to be taken.

The Principal's Discipline Authority

Suspension. There are several types of suspension available. Unless otherwise required by Board of Education policy or statute, the principal has the authority to determine what type of suspension, if any, the misconduct requires. Except when a student's continued presence presents an immediate danger, a student may not be suspended from a class, school or school related event or activity until the student has been advised of the nature of his misconduct, questioned about it, and been allowed to give an explanation.

The removal of a student from his class by the classroom teacher, principal or other authorized school personnel for the remainder of class period or for the remainder of a school day, and his placement in another room on the school campus shall not necessarily be an in-school suspension and shall not be entitled to the procedures set forth below. The principal has the authority to decide whether a removal shall be considered a suspension.

1. In-School Suspension. A principal has the option, depending on the severity of the offense, of suspending any student from attendance at a specific class, classes or school sponsored events or activities or from riding a school bus, without suspending such student from attendance at school. This shall be known as in-school suspension. Students given in-school suspension are required to complete their academic assignments. Any student given an in-school suspension in excess of one (1) day must attend either special classes attended only by students guilty of misconduct or be placed in an isolated area appropriate for study. Good and sufficient reasons for in-school suspension include, but are not limited to:

- a. Behavior which adversely affects the safety and well-being of other students;
- b. Behavior which disrupts a class or school sponsored event or activity;
- c. Behavior prejudicial to good order and discipline occurring in class, during school sponsored events or activities, or on the school campus.

2. Summary Suspension. If the principal witnesses or has knowledge of any serious student misconduct and he thinks that immediate removal of the student is necessary to restore order or to protect persons on the school grounds, he may

suspend the student immediately for not more than two (2) school days. In such cases, the principal is not required to conduct an investigation before he suspends, but he shall carry out such an investigation and decide on further disciplinary action, if any, by the end of the school day following the summary suspension. Once a principal has decided to suspend a student summarily, he shall follow the procedures for sending a student home during the school day.

3. Out-Of-School Suspension. When a principal deems it appropriate, he may suspend a student from attendance at school for not more than ten (10) consecutive days. If the principal determines it is in the best interest of the student, he may place the student in an assigned area of the school with the same consequences as for an out-of school suspension.

4. Expulsion. A principal, with due cause, may expel a student. Expulsion is defined as removal from school for more than ten (10) consecutive days or more than fifteen (15) days in a month of school attendance.

Sending A Suspended Student Home During The School Day. When a student is suspended (except for in-school suspension), the principal shall attempt to reach the student's parent, legal guardian, or legal custodian (hereinafter the term "parent" includes parent, legal guardian, or legal custodian) to inform him of the school's actions and to request that he come to the school for his child. If the parent is unable to come for his child, the student shall remain at school until the close of the school day, unless, with the parent's consent or in the principal's judgment, the student can be provided transportation home. In a situation where the principal is not able to reach a parent and because of violations of school rules the principal is not able to keep a student on school grounds and restore order or protect others, the principal will call local law enforcement to assist in removing the student from school premises.

Reasons For Suspension

A principal may suspend any student from attendance at such school, including its sponsored activities, or from riding a school bus, for good and sufficient reasons, including, but not limited to, the following:

- A.** Willful and persistent violation of the rules of school or truancy;
- B.** Immoral or disreputable conduct or vulgar or profane language;
- C.** Violence or threatened violence against any person attending or assigned to any school;
- D.** Willful or malicious damage to real or personal property of the school, or the property of any person attending or assigned to the school;
- E.** Inciting, advising or counseling of other to engage in any of the act enumerated above;
- F.** Marking, defacing or destroying school property;
- G.** Possession of a pistol, gun or firearm, or a facsimile thereof, on school grounds or at school sponsored events or activities;
- H.** Possession of a knife or blade on school property or at school sponsored events or activities;
- I.** Assaulting any person attending or assigned to any school with vulgar, obscene or threatening language;
- J.** Bullying;

- K.** Unlawful use or possession of barbitol or legend drugs or any other intoxicant on school property or at school sponsored events or activities;
- L.** Two or more students initiating a physical attack on an individual student on school property or at school sponsored events or activities, including travel to and from school;
- M.** Making a threat, including a false report, to use a bomb, dynamite, any other deadly explosive or destructive devise including chemical weapons on school property or at school sponsored events or activities;
- N.** Engaging in behavior which disrupts a class or school sponsored event or activity;
- O.** Off campus criminal behavior which results in felony charges when the continued presence of the charged student in school poses a danger to persons or property or disrupts the educational process; and
- P.** Any other conduct which is prejudicial to good order or discipline in any school.

Procedures For Suspension

Upon suspension of any student other than for in-school suspensions of one (1) day or less, the principal shall:

A. Within twenty-four (24) hours notify the parent/guardian and the Superintendent of Schools or the Superintendent of Schools’ designee of:

- 1. The suspension, which shall be for a period of no more than ten (10) days;
- 2. The cause for the suspension; and
- 3. The conditions for readmission, which may include, at the request of either party, a meeting for the parent, student and principal.

If applicable, the principal shall follow the procedures for sending a student home during the school day.

B. If the suspension is for more than five (5) days, the principal shall develop and implement a plan for improving the behavior which shall be made available for review by the Superintendent of Schools upon request.

C. If a suspension occurs during the last ten (10) days of any term or semester, the suspended student shall be allowed to take such final examinations or submit such required work as necessary to complete the course of instruction for that semester, subject to conditions prescribed by the principal or the final action of the Board of Education upon any appeal from an order of a principal continuing a suspension.

D. A student suspended from one school in the school system cannot enter another school in the system for the duration of the suspension. This does not preclude the principal’s assignment of the student to an alternative school.

Special Education Students

Prior to the expulsion or suspension for more than ten (10) days of a special education eligible student the IEP team must meet and decide:

- 1. Whether the offense is a manifestation of the student’s disability; and

2. The appropriateness of the student's current placement.

If the offense is a manifestation of the student's disability, the student may not be expelled or suspended for over ten days, but must be placed in a setting that more appropriately accommodates his needs in relation to the manifested offense.

If the offense is not a manifestation of the disability, the student will be treated as if he were not a special education eligible student, however the following procedures must be complied with:

1. A functional behavior analysis must be conducted; and
2. Within ten (10) school days the IEP team must develop or revise a behavior intervention plan.

Upon expulsion or suspension, educational services as determined by the IEP team will be provided. If there is an appeal, placement will be frozen pending the outcome of a due process hearing.

School officials have the authority to remove a child with a disability to an interim alternate educational setting for not more than forty-five (45) school days if the child carries a weapon to or possesses a weapon at school, on school premises or at a school function; knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance at school, on school premises or at a school function; or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function.

Alternative School Program Placement Grades 7-12

A school principal may provide an alternative placement in lieu of out-of-school suspension. Any student eligible to attend Johnson City Schools who has been suspended, withdrawn, or terminated from the basic educational program may be enrolled in an alternative program as established by the school staff and approved by the Board, but only on terms and conditions specified for that program and only upon the recommendation of the suspending principal.

Terms and conditions for participation in alternative programs will be specified in writing and a student must agree to such terms and conditions prior to admission. The student shall not acquire any right or privilege to participate in any alternative program except as mutually agreed upon by the student and the staff in charge of the program. In order to remain in the program the student must meet all the terms and conditions imposed. Failure of the student to do so, based upon the judgment of the staff, shall be grounds for termination of participation of the student. Termination of participation shall not entitle the student to enter any other program.

IV. RIGHT TO APPEAL

Procedure for Appeal of In-School Suspension and Out-of-School Suspension for Ten (10) School Days or Less

- A. The parent, or the student if 18 years old or older, shall present a written request for permission to return to the regular classroom, in cases of in-school suspension, or to school,

in cases of out-of-school suspension, to the principal as soon as possible, but in no event later than two (2) days after the suspension.

- B. Upon receipt of the request, the principal shall schedule a meeting with the student and parent(s) to hear reasons for the request.
- C. The principal shall make a written response to the request. If the student is allowed to return to the classroom or to school, no further action is required. If the student's suspension is upheld, the matter may be appealed to the Superintendent for a review of the appropriateness of the procedures. The authority for in-school suspension or out-of-school suspension of up to and including ten (10) school days lies solely with the principal.

Procedure for appeal of Out-of-School Suspension for More than Ten (10) School Days

- A. If a student is suspended for more than ten (10) days the principal must immediately give written notice to the parent and the student of the right to appeal the decision to the Disciplinary Hearing Authority (DHA), which is appointed by the Board of Education.
- B. All appeals must be filed with the principal, either orally or in writing, within five (5) days of receipt of the notice. Appeals may be filed by the student, the parent, or upon request of the student, by any person holding a teaching license who is employed by the school system.
- C. When an appeal is filed, the DHA shall hold a hearing no later than ten (10) days after the beginning of the suspension. The DHA shall give written notice of the time and place of the hearing to the parent, the student and the school official designated above who ordered the suspension. Notice shall also be given to any employee referenced above who requests a hearing on behalf of a suspended student. The Superintendent or his designee may schedule a different date for the appeal hearing if the student, the principal, or one of the Disciplinary Hearing Officers shows a good and sufficient cause.
- D. The parent, or the student if 18 years old or older, shall be notified of the DHA's decision by certified letter within five (5) school days following the hearing.

Composition of the Disciplinary Hearing Authority

The DHA is established by the Board of Education to conduct hearings of suspension appeals. The DHA is to consist of three (3) to five (5) members, appointed to a one (1) year term and subject to reappointment. Each hearing must be conducted by at least three (3) members of the DHA, one of whom must be a principal or assistant principal, but not from the home school of the suspended student. The Superintendent of Schools or his designee serves as chairman of the DHA.

The Chairman shall:

- A. Identify the members of the DHA assigned to hear each appeal.
- B. Be available before the hearing to answer questions that a parent or student may have about the proceedings.
- C. Take full charge of the hearing by directing its proceedings and controlling the conduct of all persons present subject to procedural requirements.
- D. Write the DHA's findings of facts and recommendations for action. The Chairman has the authority to delegate this responsibility to another member of the DHA.
- E. Transmit the DHA's written findings and recommendations to the Superintendent, the principal and the parent or the student if 18 years old or older.

No person who was a witness to or has been involved in the investigation of the student's alleged misconduct, or who could be called to give testimony to the DHA, shall serve as a member of the hearing board.

Group Hearings

When multiple students are charged with violating the same rule and have acted in concert and the facts are basically the same for all students, a single hearing may be conducted for them if the Chairman of the DHA believes that the following conditions exist:

- A. A single hearing will not be likely to cause confusion; and
- B. No student will have his interest substantially prejudiced by a group hearing. If, during the hearing, the Chairman finds that a group hearing will prejudice a student's interest, he may order a separate hearing for that student.

Witness Statements

At least two (2) days before an appeal hearing the signed statements of all persons on whose information the charges are based, and any additional information related to the alleged misconduct, shall be available for review in the principal's office. These statements may be examined and copied by the student, parents or any representative, at the student's expense. If the principal receives additional material that will be used at the hearing, he must promptly notify the parent or the student if 18 years old or older and make the material available for review.

The student shall file with the principal, at least two (2) days prior to the hearing, signed statements of any persons who have defensive information that he wishes to have considered at the hearing, including his own statement if he wishes to make one.

All statements must set out, with some particularity, the information known to the persons making them. For example, if a student is charged with consistently failing to follow a teacher's directions, the consistent nature of the failures must be specifically described.

Conduct of the Appeal Hearing

A. Closed Hearing

The appeal hearing shall not be open to the general public. The Superintendent of Schools or his designee, the principal or his designee, the student, the student's parent(s), the student's representative and any witnesses may attend the hearing. Any of the attendees may give testimony. Upon the request of the Chairman, the principal, the student, the student's parent or the student's representative, witnesses may be excluded from the hearing except when they are giving information or are being questioned by the DHA.

B. Student May Remain Silent

The student may speak in his own defense and may be questioned on his testimony or he may choose not to testify. No student shall be threatened with punishment or later punished for refusal to testify.

C. Record of the Hearing

The Chairman shall provide for making a summarized transcript of any information orally presented at the hearing. Statements and other written matter presented to the DHA should be kept on file by the Superintendent.

D. Principal's Presentation of Statements and Records

It shall be the principal's duty to present to the DHA at the hearing the signed statements of all persons known to have information about the student's alleged misconduct. These shall be the same statements that previously have been available to the student in the principal's office and those statements that the student has submitted to that office. Upon the request of the student, the parent, the student's representative or the DHA, the principal shall submit to the DHA the student's record of previous behavior and his academic record. If the principal or the DHA deems it necessary, the information contained in such records shall be explained and interpreted to the DHA by a person trained in their use and interpretation.

E. Use of Witness

The appeal hearing shall consist of a review of the statements and records presented by the principal under section D and any statements or records presented by the student, parent, or student representative in the student's defense. Any written statements from a person not present must be dated and signed by the person making the statement.

F. Examination of Witness

Members of the DHA, the principal, the student, the parent, or the student's representative may question witnesses, the student, or the principal about any matters logically relevant to the charge(s) against the student and the proper disposition of the matter. The Chairman is responsible for limiting unduly long, repetitious, unproductive, or irrelevant questioning.

G. Role of the Parent

The parent should be present at the hearing and shall have an opportunity to make a statement to the DHA regarding his opinion about the proper disposition of the case and to answer questions. Any statement the parent makes needs not be filed with the principal before the hearing. The parent should be able to advise the student during the hearing. If allowed by section F, the parent may also question any witness.

H. Adult Representative in Addition to Parents

If the parent cannot be present or if the student or his parent thinks his interest can be better protected by the presence of an additional adult at the hearing, the student may bring another adult to the hearing. The non-parent adult may act as a representative in the defense of the student and shall have the right to present and question witnesses, make a statement on the nature of the evidence and the proper disposition of the case, and otherwise assist the student. The non-parent adult may be an attorney. If the Chairman thinks the presence of the school board attorney will be helpful at the hearing, he may request the school board attorney's presence.

Disposition of the Case

The DHA shall make a decision on whether the student's due process rights were violated and the appropriateness of the disciplinary action. The DHA may affirm the decision of the principal, order removal of the suspension, unconditionally or upon such terms and conditions as it deems reasonable, assign the student to an alternative program, or night school or suspend the student for a specified period of time. The decision must be based solely on the evidence presented at the hearing and should state substantial findings of fact on which the DHA's decision rests. The determination should explain, in terms of the needs of both the student and the school, the reasons for the particular action taken. The parent shall be notified of the DHA's decision by certified letter within five (5) school days after the hearing. A written record of the proceedings, including a summary of the facts and the reason supporting the decision, shall be made by the DHA.

Appeal

The student or principal may appeal within five (5) school days of their receipt of the decision of the DHA, first to the Superintendent of Schools and then to the Board of Education. Absent a timely appeal, the decision will be final.

V. PROCEDURE FOR APPEAL TO SUPERINTENDENT AND BOARD OF EDUCATION

Appeal to the Superintendent

The student or principal may appeal the decision of the DHA to the Superintendent of Schools within five (5) school days. This appeal must be in writing. The Superintendent shall set a date for a review hearing within six (6) school days and notify the student by certified letter of the time and place of the hearing. The appeal to the Superintendent shall be solely on the record of the hearing before the DHA, except for the new evidence which has come to light and may affect the outcome of the appeal. The Superintendent shall notify the student and principal of his/her decision within five (5) school days. Notice to the student shall be by certified mail.

Appeal to the Board of Education

If a student or principal wishes to appeal the decision of the Superintendent of Schools, the appeal shall be by a letter directed to the Board of Education within five (5) school days of receipt of the decision of the Superintendent. The Board of Education, meeting in regular or special session, and based upon a review of the record, may grant or deny a request for a Board hearing, and may affirm or overturn the decision of the DHA without a hearing, provided the Board may not impose a more severe penalty than that imposed by the DHA without first providing an opportunity for a hearing before the Board. If a hearing is granted, the Chairman of the Board of Education or his designee shall, within six (6) school days of the decision to grant a hearing, set a date for a hearing before the Board of Education and shall notify the student and the principal of the date, place, and time that such hearing will be held. Such notice to the student shall be by certified mail. The hearing shall be held within twenty (20) school days from the date of the decision to grant a hearing unless circumstances in the discretion of the Board require a later date. The hearing shall be closed to the public unless the student or student's parent requests in writing within five (5) days after receipt of written notice

of the hearing that the hearing be conducted as an open hearing. The hearing will be based on the entire file and record in the matter and such new or additional material evidence as the staff and/or the student and/or their representatives may wish to introduce. The action of the Board of Education shall be final.

VI. MANDATORY ONE-YEAR EXPULSION (ZERO TOLERANCE)

In order to ensure a safe and secure learning environment free of drugs, violence and dangerous weapons, any student who, while on a school bus, on school grounds, or while attending any school event or activity, engages in the following behaviors shall be expelled from school for a period of not less than one (1) calendar year. The Superintendent of Schools has the authority to modify this expulsion requirement on a case-by-case basis. Incidents that result in expulsion for one year are:

- A.** Unlawful possession of a narcotic, stimulant, prescription drug or any other controlled substance or legend drug on school grounds or at school sponsored events or activities;
- B.** Commission of a battery on a teacher, or other school employee; and
- C.** Possession of a firearm on school grounds or at school sponsored events or activities.

A student who has committed an offense which results in a mandatory one (1) year expulsion shall be entitled to ask for a hearing at which time any statements, explanations, evidence, or excuses for failures will be heard and recorded by the staff. Action of the staff following this hearing shall be final except that a student may request, in writing, a review by the Superintendent. The Superintendent shall decide whether or not to sustain the action of the staff based upon a review of the entire file as presented.

The mandatory one (1) year penalty will be enforced for all violations listed above, including first offenses. Upon a first offense, the student and/or parent on behalf of the student may apply for readmission after thirty days out of school. Upon the second or more offense, the student and/or parent may apply for readmission after sixty days out of school.

Before readmission will be considered, the following conditions must be met:

- A.** The student and/or parent seek(s), and the student has received, a psychological evaluation and/or help from an institution accredited to diagnose the need for counseling and/or treatment for alcohol/drug abuse. In cases of drug or alcohol violations, evaluation or assistance must be from a certified drug/alcohol abuse counselor or a counselor approved by the administration.
- B.** An authorized official of the accredited institution or organization who is qualified to do so certifies that the student either does not need treatment and/or rehabilitation or has completed a program of treatment and/or rehabilitation and is ready for successful re-entry into the school system. In cases of drug or alcohol violations, certification must be by a certified drug/alcohol abuse counselor.

Requests for all readmissions must be filed, in writing, with the office of the principal. A readmission hearing may be scheduled to consider the request. Consideration will be given to the reasons for the long-term suspension and the length of time the student has been out of the regular school program. The principal will hear from the student and/or parent any evidence or justification in support of readmission and will make a recommendation to the Superintendent regarding readmission.

Upon application for readmission, the principal may take into consideration such factors as previous suspensions, patterns of misconduct, attitudes adversely affecting progress and efficiency of the educational process, and whether readmission is in the best interest of the student in order to accomplish rehabilitation.

School Based Management Alternative to Mandatory Penalty

Upon recommendation by the principal, alternatives to the mandatory penalty may be offered by way of a contract between the school and the student. The parent must be aware of the terms of the contract and encouraged to attend a conference with the student to plan for its implementation, and may be asked to accept some responsibility, along with the student, for seeing that its conditions are met. If conditions of the contract are not met, the mandatory penalty process will be initiated. All alternatives to a mandatory penalty must be approved by the Superintendent of Schools.

Neither the foregoing conditions of the Code of Conduct nor any penalty prescribed therein shall constitute a waiver to the Tennessee Code Annotated to invoke a more severe penalty than herein prescribed, as prescribe in the General Acts of the State of Tennessee, including but not limited to Section 49-2-203 (a), and as the same may be supplemented or amended.

**JOHNSON CITY BOARD OF EDUCATION
JOHNSON CITY PUBLIC SCHOOLS
JOHNSON CITY, TENNESSEE**

ADOPTED JANURARY 10, 1980
Last Amended June 6, 2016

Johnson City Schools Technology Acceptable Usage Agreement

Mission:

The mission of the Johnson City Schools is to enable all students to achieve excellence in learning, social responsibility, and self-worth.

Scope of Use:

To ensure that students receive a quality education in an intellectually stimulating environment, it is the goal of the Johnson City Schools to provide all students with access to a variety of technological resources.

The creation of a large and varied technological environment demands that technology usage be conducted in legally and ethically appropriate ways consistent with the policies and instructional goals of the Johnson City Schools.

Thus, it is the intention of the Johnson City Schools that all technological resources be used in accordance with any and all school system policies and procedures as well as local, state, and federal laws and/or guidelines governing the usage of technology and its component parts. Additionally, it is understood that all students and employees of Johnson City Schools will use the provided technological resources so as not to waste or abuse, interfere with or cause harm to other individuals, institutions, or companies.

Rules for Usage:

The primary goal of the technology environment is to support the educational and instructional endeavors of students and employees of the Johnson City Schools. Use of any and all technological resources is a privilege and not a right. Any violation of the Acceptable Usage Agreement may result in termination of usage and/or appropriate discipline. **All Johnson City Schools students and their parent/guardians and all Johnson City Schools employees must sign this agreement as acknowledgment of receipt of these procedures and policies.**

I. ACCESS:

- A. Any student or employee who accesses the district's network or any device for any purpose agrees to be bound by the terms of the Agreement, even if no signed Agreement is on file.
- B. The use of all Johnson City Schools technological resources is a privilege, not a right, and inappropriate or suspected inappropriate use will result in a cancellation of those privileges pending investigation.
- C. Access to the Internet by students by any means other than the District's network while in a Johnson City School facility is prohibited.
- D. Except at approved locations or as otherwise approved, all devices connected to the Johnson City Schools physical network (a device located at a Johnson City School facility, either wired or wireless) must be the property of Johnson City Schools. Individuals connecting a personal device to the Johnson City School's network will be required to agree to stated Terms and Conditions and log in with

system provided account information. Individuals may use only accounts, files, software, and technological resources that are assigned to him/her.

- E. Individuals may not log in to or attempt to log in to the network by using another person's account and/or password or allow any other person to use his/her password to access the network, e-mail, or the Internet.
- F. Individuals must take all reasonable precautions to prevent unauthorized access to accounts and data and any other unauthorized usage within and/or outside the Johnson City Schools.
- H. Individuals identified as a security risk may be denied access to the District's technological resources.
- I. Any use of technological resources that reduces the efficiency of use for others will be considered a violation of this agreement.
- J. Individuals must not disrupt or attempt to disrupt any computer services or data by spreading viruses, spamming or by any other means.
- K. Individuals must not modify or attempt to modify hardware, utilities, and configurations, or change the restrictions associated with his/her accounts, or attempt to breach any security system, either with or without malicious intent.
- L. The District Technology Coordinator and/or site administrators will determine when inappropriate use has occurred and each has the right to deny, revoke, or suspend specific user accounts and access. Users have the right to appeal the decision to the site administrator or Superintendent of Schools.

II. PRIVACY:

- A. To maintain network integrity and to ensure the network is being used responsibly, the District Technology Coordinator reserves the right to review files and network communications.
- B. Users should have no expectation of privacy with regards to any data stored, transmitted or accessed on school system resources.
- C. Because communications on the Internet are often public in nature, all users should be careful to maintain appropriate and responsible communications.
- D. The Johnson City Schools cannot guarantee the privacy, security, or confidentiality of any information sent or received via the Internet.
- E. All computer hardware and software belongs to the school system. All data including search histories and email communications transmitted on school system computers or by means of the school system network are subject to monitoring and may be archived.
- F. Users are encouraged to avoid storing personal and/or private information on the district and/or schools technological resources.
- G. The system-wide technology staff performs routine backups. However, all users are responsible for the backup and storage of any critical files and/or data.

III. COPYRIGHT:

- A. Illegal copies of software may not be created or used on school system equipment.
- B. Any questions about copyright provisions should be directed to the District Technology Coordinator.

- C. The legal and ethical practices of appropriate use of technological resources will be taught to all students in the system (i.e. during lab orientation, network orientation, etc).
- D. Copyright is implied for all information (text, data, and graphics) published on the Internet. Users are prohibited from the reproduction or use of works, including but not limited to documents, pictures, digital recordings, music or graphics, without documented permission.
- E. Duplication of any copyrighted software is prohibited unless specifically allowed for in the license agreement and then should occur only under the supervision and direction of the Technology department. This includes duplicating original music CD's.
- F. A backup copy of all purchased software programs should be made and thus become the working copy.
- G. All original copies of software programs including those purchased with departmental funds will be stored in a secure place.
- H. For security and insurance purposes, the District Technology Coordinator or site administrators will be the only people with access to original software disks at a given location with the exception of CD-ROMs. System-wide software originals will be housed at the district Technology Coordinator's office.
- I. If a single copy of any given software package is purchased, it may only be used on one computer at a time. Multiple loading or "loading the contents of one disk onto multiple computers," (1987 Statement on Software Copyright) is NOT allowed.
- J. If more than one copy of a software package is needed, a site license, lab pack, or network version must be purchased. The District Technology Coordinator and the person requesting the software will be responsible for determining how many copies should be purchased.
- K. Either the district Technology Coordinator or site administrator at each location is authorized to sign license agreements for a site within the system. Copies of any system-wide license agreements must be signed by the District Technology Coordinator and/or Superintendent and distributed to all schools that will use the software.
- L. The District Technology staff or site technology assistant is responsible for installation of all software in use on the local area network and/or individual workstations within the Johnson City Schools.
- M. Users should not purchase software for use on District computers or other technological resources without prior consultation with the District Technology staff.

IV. ELECTRONIC MAIL:

- A. Johnson City Schools may provide access to electronic mail for students in grades 7-12. Access to instant messaging will not be provided for students. Use of email on school system resources or personal devices used during the school day shall be limited to the school provided email account. Students with network access may not utilize school system resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

- B. The Johnson City Schools does provide access to electronic mail for all employees.
- C. Access to e-mail is for employee/student use in educational and instructional settings.
- D. Personal use of electronic mail for employees is permitted as long as it does not violate Johnson City Schools' policy and/or adversely affect others or the speed of the network.
- E. Electronic mail should reflect professional standards at all time.
- F. Johnson City Schools' e-mail accounts may not be used for political or personal gain.
- G. All data, including e-mail communications, stored or transmitted on school system devices shall be monitored. Johnson City Schools' e-mail accounts may not be used for sending or attempting to send anonymous messages.
- H. Johnson City Schools' e-mail accounts may not be used for sending mass emails.
- I. Johnson City Schools' e-mail accounts may not be used for posting or forwarding other user's personal communication without the author's consent.
- J. E-mail correspondence may be a public record under the public records law and may be subject to public inspection.
- K. Instant messaging is prohibited.

V. INTERNET:

- A. The intent of the Johnson City Schools is to provide access to resources available via the Internet with the understanding that faculty, staff, and students will access and use information that is appropriate for his/her various curricula.
- B. All school rules and guidelines for appropriate technology usage shall apply to usage of the Internet.
- C. Teachers will screen all Internet resources that will be used in the classroom prior to their introduction.
- D. Students will gain access to the Internet by agreeing to conduct themselves in a considerate and responsible manner and by providing written permission from parents/guardians via this signed agreement.
- E. Students will be allowed to conduct independent research on the Internet upon the receipt of the appropriate permission forms.
- F. Permission is not transferable, and therefore, may not be shared.
- G. Students that are allowed independent access to the Internet will have the capability of accessing material that has not been screened.
- H. Students at approved locations may use personal devices to access the Internet as long as access is gained via the school systems network and only at the discretion of their teacher during class time.

VI. INTERNET FILTERING:

- A. Internet access for all users is filtered by a filtering system through one central point, by URL and IP address.
- B. Internet searches are filtered by keyword.
- C. URLs and IP addresses may be added to or deleted from the filtered list by the District Technology staff.
- D. Employees may request a review for override of filtered sites.

VII. INTERNET SAFETY MEASURES

- A. Internet safety measures shall be implemented that effectively address the following:
 - 1. Controlling access by students to inappropriate matter on the Internet.
 - 2. Safety and security of students when using any form of direct electronic communications;
 - 3. Preventing unauthorized access, including “hacking” and other unlawful activities by students on-line; and
 - 4. Restricting students’ access to materials that may be inappropriate or harmful to them.
- B. The processes for ensuring that the system’s resources are not used for purposes prohibited by law or for accessing sexually explicit material are:
 - 1. Monitoring on-line activities of students;
 - 2. Utilizing technology that blocks or filters Internet access (for both students and adults) to material that is obscene, pornographic or potentially harmful to students; and
 - 3. Maintaining a usage log.
- C. All students will participate in Internet safety training, which is integrated into the District’s instructional program in grades K-12. Schools will use existing avenues of communication to inform parents, grandparents, caregivers, community stakeholders and other interested parties about Internet safety.
- D. The District’s Internet Safety Policy and the Technology Acceptable Usage Agreement shall be reviewed, evaluated and revised, as needed, annually.

VIII. WEB PUBLISHING:

- A. The Johnson City Schools' web server cannot be used for profit, commercial purposes, to express personal opinions, or to editorialize.
- B. All web sites will be reviewed by the District Technology Coordinator or Principal before being added to the Johnson City School’s web server.
- C. The District Technology staff reserve the right to reject all or part of a proposed web page.
- D. Web pages may only be placed on the web server by the District Technology Coordinator or district Webmaster.
- E. All pages posted on the Johnson City Schools’ web server must be written with an approved editor.
- F. Each posted page must include: the school location, date of last update, and an e-mail address.
- G. All posted work must be of publishable quality with regard to spelling, usage, and mechanics.
- H. All web page authors are responsible for the maintenance of their own pages.
- I. All links should be checked regularly to make sure they are current and working.
- J. Pages that are not updated in a timely fashion, contain inaccurate or inappropriate information, or contain links that do not work will be removed and the author will be notified.
- K. Unfinished pages will not be posted until they are fully functional.

- L. Teacher created web pages stored on a commercial or private server may be a link from a school created web page stored on the Johnson City Schools' web server.
- M. Student pictures and other personally identifiable information should only be used with permission in writing from the parent/guardian of the student involved. No full names should be used-only first name, last initial. No written permission is required for in-school broadcasts (i.e. morning news, announcements, class profiles, etc.)
- N. Student posting of personal information about himself/herself or other students or staff of any kind is prohibited. Personal information includes: home and/or school address, work address, home, cellular and/or school phone numbers, full name, social security number, etc.
- O. No written permission is required to list faculty/staff and their school contact information (phone extension, e-mail address, etc.)
- P. Consent will be required for posting of any employee photographs.
- Q. Infringement of copyright laws and the posting of obscene, pornographic, harassing or threatening materials on web sites are against the law and will subject the responsible party to discipline and/or prosecution.

IX. PROHIBITED USES:

The following activities are examples of inappropriate activities on any Johnson City Schools network, e-mail system, or the Internet. This list is not all-inclusive. Anything that would be considered inappropriate in "paper form" is also considered inappropriate in electronic form.

- A. Using another user's password or attempting to find another user's password.
- B. Sharing your own password.
- C. Trespassing in another user's files, folders, home directory or work.
- D. Saving information on ANY network drive or directory other than your personal home directory or a student specified and approved location.
- E. Downloading, installing, or copying software of any kind onto a workstation, your home directory, or any network drive.
- F. Harassing, insulting, threatening, bullying or attacking others via technological resources.
- G. Damaging computers, computer systems, or computer networks (this includes changing workstation configurations such as screen savers, backgrounds, printers, BIOS information, preset passwords, etc.)
- H. Intentionally wasting limited resources such as disk space and printing capacity.
- I. Accessing inappropriate web sites (sites containing information that is violent, illegal, sexually explicit, racist, etc.)
- J. Sending, displaying, or downloading offensive messages or pictures.
- K. Using obscene, racist, profane, lewd, discriminatory, threatening, or inflammatory language.
- L. Participating in on-line chat rooms or the use of instant messaging without the permission/supervision of an adult staff member.
- M. Posting any false, damaging or libelous information about other people, the school system or other organizations.

- N. Posting any personal information about another person without his/her written consent.
- O. Impersonating another individual.
- P. Broadcasting network messages and/or participating in sending/perpetuating chain letters.
- Q. Violating copyright laws.
- R. Plagiarism of materials.
- S. Use of technological resources to create illegal materials (i.e. counterfeit money, fake identification, etc.)
- T. Use of any Johnson City Schools' technological resources for personal gain, commercial or political purposes.
- U. Use of Johnson City Schools' technological resources for purposes of hacking into other local area networks or outside networks.
- V. File-sharing or downloading file-sharing programs.
- W. Participating in any other activity that is detrimental to students, the school, the School District or school employees or officials.
- X. Attempting to bypass or bypassing the District's filtering system.
- Y. Accessing the Internet via a network other than the District's network, including access on personal devices.

Liability:

The Johnson City Schools does not guarantee the reliability of the data connection and does not verify the accuracy of information found on the Internet.

Disciplinary Actions for Violation of Agreement:

As a result of violating this agreement, below is a list of possible disciplinary actions:

- Sending a warning reminder to parent and student about the AUP agreement
- Loss of Internet privileges for one week
- Loss of Internet privileges for one month
- Permanent loss of Internet privileges
- Other disciplinary action to be determined by school administration

Appeal Process:

An individual whose rights have been restricted or revoked has the right to appeal to the site administrator and the Superintendent of Schools.